

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	<u>INDICTMENT</u>
)	
Plaintiff,)	
)	1:04CR218
v.)	Case No. _____
)	Title 18, United States Code,
JEFFREY P. BUTCHER,)	Sections 1343, 1028(a)(7)
)	and 1029(a)(5)
Defendant,)	

COUNTS 1 - 43

The Grand Jury charges:

1. Definitions. As used in this Indictment, the following terms are defined as follows:

a. An "Internet Auction" involves on-line transactions between would-be buyers and sellers of goods and services. Some Internet auctions occur at online auction houses such as Ebay, Inc., where sellers use the auction house's Web site to advertise goods and services they wish to sell. In such cases, auctions are conducted on the auction house's Web site, with would-be buyers sending bids via E-mail to the Web site. Other Internet auctions occur through the use of trading sites on the

Web which cater to would-be buyers and sellers of specific goods, such as collectibles. Typically, in such cases, buyers and sellers ascertain the availability of the items they seek to buy, or the advertised interest to buy the item they seek to sell and then communicate with each other via E-mail about the terms of payment and delivery, and then complete the transactions through the use of the U.S. Mail, the telephone, and other forms of electronic communications, including, but not limited to E-Mail.

b. A “user name” (also called an “alias” or a “screen name”) is a name used to gain access to a computer system and is used in conjunction with a password. User names are also required to access most on-line Internet services and are reflected in the “From” line found in the header of E-mail messages as a means of identifying the sender. Following the user name in an E-mail message is the “domain name,” which is the official Internet name of the computer or group of computers on the Internet. The domain name is the part of an Internet address which comes after the “@” symbol (e.g. xxx@aol.com, which indicates a user name of “xxx” and a domain name owned by America on Line, a provider of on-line service/Internet access).

2. At all times relevant to this Indictment:

a. Defendant, JEFFREY P. BUTCHER, resided at 23010 Cedar Road, Beachwood, Ohio 44122, within the Northern District of Ohio, Eastern Division.

b. Defendant, JEFFREY P. BUTCHER, opened an account with Paypal, an on-line payment service, on or about October 3, 2001, and used said Paypal account to facilitate his on-line internet auction activities, further described herein below.

c. On or about December 24, 2002, defendant, JEFFREY P. BUTCHER, opened an Ebay account utilizing the user name “pjvoleur,” which he utilized to advertise various

products for sale over the Internet via Ebay. According to Ebay's records, the address associated with the user name "pjvoleur" was 23010 Cedar Road, Beachwood, Ohio 44122.

3. Between on or about March 11, 2003, and on or about May 1, 2003, in the Northern District of Ohio, Eastern Division and elsewhere, defendant, JEFFREY P. BUTCHER, knowingly devised, intended to devise, and aided and abetted the devising of a scheme and artifice to defraud victims, as identified below, and to obtain money from said victims by means of false and fraudulent pretenses, representations and promises.

4. It was part of the scheme and artifice to defraud that the defendant, JEFFREY P. BUTCHER, having devised, intending to devise, and knowingly aiding and abetting a scheme and artifice to defraud, and to obtain money by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing and aiding and abetting the execution of such scheme and artifice and attempting to do so, did knowingly transmit, cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals and sounds, in violation of Title 18, United States Code, Section 1343.

5. It was further part of the scheme and artifice to defraud, and among the manner and means used to execute it, that defendant, JEFFREY P. BUTCHER, offered for sale, through the Ebay Internet auction web-site, various items of computer equipment, including Pentium Processor micro-chips, which the defendant, using the alias/user name/screen name of "pjvoleur," falsely represented he had available for sale.

6. It was further part of the scheme and artifice to defraud, and among the manner and means used to execute it, that the defendant, JEFFREY P. BUTCHER, would and did make material

representations in order to induce the victims to send money or funds via wire transfers, or otherwise, for the purpose of purchasing said computer equipment.

7. It was further part of the scheme and artifice, and among the manner and means used to execute it, that after the individual victims were notified by Ebay that they were the successful high bidder for their auction, the victims received an E-Mail message from the defendant utilizing the e-mail account "voleur555@aol.com," instructing the victims to pay for the auction items by directing electronic payments to the Paypal account maintained by defendant, JEFFREY P. BUTCHER.

8. It was further part of the scheme and artifice and among the manner and means used to execute it that between March 11, 2003, and on or about May 1, 2003, the individual victims referred to below, transferred and caused the transfer of funds totaling \$19,604.98 to the Paypal account maintained by defendant, JEFFREY P. BUTCHER.

9. It was further part of the scheme and artifice, and among the manner and means used to execute it, that between on or about March 11, 2003, and on or about May 1, 2003, the defendant, JEFFREY P. BUTCHER, used a debit card associated with his Paypal account to pay for various personal expenses and items, thereby exercising dominion and control over proceeds of the scheme and artifice to defraud. As a result of said personal expenditures, as well as chargebacks against BUTCHER's Paypal account, Paypal has suffered losses in the approximate amount of \$11,048.78 in addition to losses incurred by the individual victims named below.

10. It was further part of the scheme and artifice, and among the manner and means used to execute it, that despite receiving payment from the named individuals for the computer equipment in question, defendant, JEFFREY P. BUTCHER, failed to send the merchandise to said victims.

11. On or about the dates set forth below, within the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, JEFFREY P. BUTCHER, for the purpose of executing and attempting to execute said scheme and artifice, knowingly transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals and sounds, to wit: electronic communications between the individuals identified in Counts 1 through 43, below and Ebay, Inc., each such electronic communication constituting a separate count of this Indictment:

COUNT	DATE	VICTIM / LOCATION	AMOUNT
1	3/27/2003	Frank Allen / Willoughby, OH	\$379.00
2	4/25/2003	Michael Balthazar / Columbia, SC	\$1,018.00
3	4/15/2003	Eric Bowling / Normal, IL	\$379.00
4	4/17/2003	David Brister / Springfield, OR	\$439.00
5	4/17/2003	William Butler / Houston, TX	\$399.00
6	3/30/2003	Andrew Campbell / Titusville, FL	\$489.00
7	4/25/2003	Logan Cardinal / Hillsboro, OR	\$379.00
8	4/18/2003	Eric Choy / Portland, OR	\$379.00
9	4/25/2003	Jerry Cudmore / Bayside, NY	\$379.00
10	4/10/2003	Alex Delgado / Guttenberg, NJ	\$440.00
11	4/19/2003	Andrew Eade / Centerville, VA	\$379.00
12	4/28/2003	Jerome Fehn / St. Peter, MN	\$359.00
13	4/15/2003	Brian Gens / Sun Prairie, WI	\$440.00
14	4/25/2003	Jacee Gilbert / Milwaukee, WI	379.00
15	4/30/2003	Michael Good / Lawton, MI	\$529.00

COUNT	DATE	VICTIM / LOCATION	AMOUNT
16	3/11/2003	Charles Greenlee / San Jose, CA	\$519.00
17	4/25/2003	Richard Harvey / Charlton, MA	\$379.00
18	4/28/03	Mark Hipps / Bend, OR	\$359.00
19	4/16/2003	Brian Hole / Plantation, FL	\$480.00
20	4/30/2003	Junius Julien / Upatoi, GA	\$369.00
21	4/11/2003	Kevin Kabatoff / Kamloops, BC	\$464.00
22	4/19/2003	Chris Kastner / Winter Park, FL	\$379.00
23	4/24/2003	Marge Lane / Salem, NH	\$379.00
24	4/22/2003	David Laurich / Pewaukee, WI	\$379.00
25	4/28/2003	Gary Madden / McAlester, OK	\$529.00
26	5/01/2003	Herbert Maness / Mentor, OH	\$359.00
27	4/20/2003	Donald Marshick / Wolverine Lake, MI	\$379.00
28	4/17/2003	Nancy McIlwain / Eden Prarie, MN	\$738.00
29	4/28/2003	Luis Melo / Bronx, NY	\$359.00
30	4/09/2003	John Mikel / Longwood, FL	\$499.00
31	4/18/2003	Don Mills / Santee, CA	\$379.00
32	4/24/2003	Anthony Parris / Marietta, GA	\$639.98
33	4/14/2003	Emile Pearl / Brainerd, MN	\$439.00
34	4/29/2003	Gonzalo Pena / La Porte, TX	\$359.00
35	4/17/2003	Ramon Rivera / Ramsey, NJ	\$379.00
36	4/17/2003	Tony Rosner / Overland Park, KS	\$758.00
37	4/18/2003	Paul Schweitzer / Portland, OR	\$480.00
38	4/25/2003	John Sheppard / Virginia Beach, VA	\$480.00
39	4/25/2003	Tony Stone / Los Angeles, CA	\$480.00
40	4/24/2003	Joey Vogt / Cincinnati, OH	\$379.00

COUNT	DATE	VICTIM / LOCATION	AMOUNT
41	4/29/2003	Michael Wasielewski / Hamilton, NJ	\$359.00
42	4/18/2003	Brett Williams / Corpus Christi, TX	\$379.00
43	4/23/2003	J. Zucchetto / Spokane, WA	\$758.00
		TOTAL	\$19,604.98

All in violation of Title 18, United States Code, Section 1343.

COUNT 44

The Grand Jury further charges:

That between on or about December 1, 2003, and on or about December 31, 2003, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, JEFFREY P. BUTCHER, did knowingly use, without lawful authority, a means of identification of another person with the intent to commit unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable state or local law, such conduct affecting interstate or foreign commerce, to wit: the name, Social Security account number and date of birth of Dureene Kiplinger, used by defendant, JEFFREY P. BUTCHER, to apply for approximately ten (10) credit cards in the name of Dureene Kiplinger, without her knowledge or consent.

All in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT 45

The Grand Jury further charges:

That between on or about December 1, 2003, and on or about December 29, 2003, in the Northern District of Ohio, Eastern Division, and elsewhere, defendant, JEFFREY P. BUTCHER, did

knowingly and with intent to defraud, effect transactions made with one or more access devices issued to another person, to wit: Home Depot credit card issued in the name of Dureene Kiplinger, thereby receiving money, credits and other things of value, during any one year period, the aggregate value of which was approximately \$7,742.44, such conduct affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1029(a)(5).

A TRUE BILL.

FOREPERSON

GREGORY A. WHITE
UNITED STATES ATTORNEY